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May 9, 2017

VIA ECF & FAX

The Honorable Kenneth M. Karas
United States District Court
Southern District of New York
Federal Building and U.S. Courthouse
300 Quarropas Street
White Plains, NY 10601

Re: *Hagele v. North Bedford Avenue Pizza, Inc*, Case No. 16-cv-07879 (S.D.N.Y.)

Dear Judge Karas:

We represent Domino's Pizza, Inc., Domino's Pizza LLC and Domino's Pizza Franchising LLC ("Domino's") in the above matter. We write to respectfully request that counsel for Domino's be permitted to appear telephonically at the conference scheduled before the Court tomorrow, May 10, 2017.

The present action was brought by former employees of a Domino's® franchise previously (the "Franchisee Defendants"), and seeks to hold both the Franchisee Defendants and Domino's liable for purported wage and hour violations. While Domino's answered the Plaintiffs' Complaint, the Franchisee Defendants have not, because – as discussed at the parties' last conference – they have been engaged in settlement discussions with Plaintiffs' counsel, including exchanging documents. As a result, tomorrow's conference was intended to set the schedule for the Franchisee Defendants to answer the Complaint or move to dismiss, as they have proposed doing, in the event that the matter did not settle.

Given the issues before the Court are not anticipated to concern Domino's or its interests, and that we take no position on the proposed motion to dismiss, we respectfully ask that we be permitted to appear at tomorrow's conference telephonically. Doing so will avoid costs to our client which would be incurred by appearing in person, particularly as Domino's' counsel is based in Manhattan.

We thank Your Honor for his attention to this matter.

Respectfully submitted,

(MD)

Garrett D. Kennedy

cc: James Patrick Batson (counsel for Plaintiffs)
Robin B. Kallor (counsel for Defendants NBAP and Anthony Maestri)